IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

MONDAY, THE 13TH AUGUST 2007 / 22ND SRAVANA 1929

WP(C).No. 22374 of 2007(L)

PETITIONER:

CHIRAKKAL JUMA ATH PALLI
PARIPALANA COMMITTEE, MOONNIYOOR,REGISTER NO.15/49,
CHIRAKKAL, PO.MUNNIYOOR,MALAPPURAM DISTRICT.
REPRESENTED BYB ITS SECRETARY,
E.MOHAMMED HAJEE, AGED 60 YEARS,S/O.AHAMMED KUTTY,
PARAMMAL HOUSE, A.C.BAZAR, P.O.,MUNNIYOOR.

BY ADV. SRI.T.SETHUMADHAVAN
SRI.PUSHPARAJAN KODOTH
SRI.K.JAYESH MOHANKUMAR

RESPONDENTS:
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1. **SUB INSPECTOR OF POLICE,**
   THIRURANGADI,MALAPPURAM DISTRICT.

2. **CIRCLE INSPECTOR OF POLICE**
   THIRURANGADI, MALAPPURAM DISTRICT.

3. **THE SUPERINTENDENT OF POLICE,**
   MALAPPURAM.

4. **NARIKKAT MECHERI HASSAN KUTTY HAJEE,**
   S/O. KUNHIN,
   MECHERI HOUSE, MUNNIYOOR,
   TIRURANGADI TALUK,
   MALAPPURAM DISTRICT.

5. **MUTTICHIRAKKAL MOIDU**
   S/O. KOYA,
   MOONNIYOOR, TIRURANGADI,
   MALAPPURAM DISTRICT.

6. CHONARI MOIDEENKUTTY
S/O. ALAVI HAJEE,
CHEERANTHODI,
PO., MUNNIYOOR, TIRURANGADI,
MALAPPURAM DISTRICT.

7. THE SECRETARY,
KERALA STATE WAKF BOARD,
REGIONAL OFFICE, KOZHIKODE.

BY ADV. SRI.P.A.ABDUL JABBAR, SC, WAKF BOARD
SRI.P.M.MOHAMED ALI
GOVERNMENT PLEADER SRI.SALIM P.A.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 13/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) NO.22374/2007

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE ORDER IN OP. 7/06 DT. 22.3.07 OF THE WAKF TRIBUNAL, KOZHIKODE.

EXT.P2:- COPY OF THE NOTICE PUBLISHED IN MADHYAMAM DAILY DT. 27.5.07.

EXT.P3:- -DO- DO- DT. 8,6,07.

EXT.P4:- COPY OF THE LETTER DT. 20.6.07 SEND BY THE PETITIONER.

EXT.P5:- COPY OF THE PETITION SUBMITTED BY THE PETITIONER DT. 13.7.07.

EXT.P6:- COPY OF THE PETITION SUBMITTED BY THE PETITIONER TO RESPONDENTS 1 AND 2 DT. 17.7.07.

EXT.P7:- COPY OF THE STATEMENT OF INCOME AND EXPENDITURE FOR THE YEAR 2004-05.

EXT.P8:- COPY OF THE STATEMENT OF INCOME AND EXPENDITURE FOR THE YEAR 05-06.

EXT.P9:- COPY OF THE SALE DEED 980/04 SRO KONDOTY DT. 26.2.04.

EXT.P10:- COPY OF THE WAKF DEED NO.1571/05 SRO KONDOTTY DT. 26.3.05.

EXT.P11:- COPY OF THE BASIC TAX RECEIPT DT. 18.11.06.

EXT.P11(a):- '' '' 18.11.06.

EXT.P11(b):- '' '' 18.11.06.

EXT.P11(c):- '' '' 18.11.06.

EXT.P11(d):- '' '' 18.11.06.

RESPONDENTS EXHIBITS

EXT.R4(a):- COPY OF THE OP.7/06 ON THE FILE OF THE WAKAF TRIBUNAL, KOZHIKODE.

EXT.R4(b):- COPY OF THE STATEMENT FILED BY THE WRIT PETITIONER IN OP.7/06 BEFORE THE WAKAF TRIBUNAL.

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EXT.R4(c):- COPY OF THE IMPLEADING PETITION FILED BY RESPONDENT NOS.4 AND 5 AND 10 OTHERS IN OP.7/06 BEFORE THE WAKAF TRIBUNAL, KOZHIKODE.

EXT.R4(d):- COPY OF THE ORDER IN IA. 612/06 IN OP.7/06 OF WAKAF TRIBUNAL.

EXT.R4(e):- COPY OF THE REGISTERED LETTER SENT BY 34 MEMBERS OF THE MAHAL ON 30.4.07 TO THE PETITIONER IN THE WRIT PETITION REQUESTING TO CONVENE THE GENERAL BODY OF THE MAHAL.

EXT.R4(f):- COPY OF THE LETTER SENT BY THE WRIT PETITIONER ON RECEIPT OF EXT.R4(e).

EXT.R4(f 1) COPY OF THE BYE-LAWS OF THE PALLI PARIPALANA COMMITTEE.

EXT.R4(G):0 COPY OF THE ADVERTISEMENT PUBLISHED IN SIRAJ DT. 26.5.07 BY THE 4TH RESPONDENT.

EXT.R4(h):- COPY OF THE BIT NOTICE PUBLISHED BY THE RESPONDENT NO.4 INVITING MAHAL MEMBERS OF THE GENERAL BODY.

EXT.R4(i):0 COPY OF THE CHANDRIKA DT.8TH JUNE CONTAINING AN ADVERTISEMENT BY THE WRIT PETITIONER.

EXT.R4(j):- COPY OF THE REPORT PUBLISHED IN SIRAJ DAILY DT. 19.6.07 ABOUT THE GENERAL BODY MEETING HELD ON 17.6.07.

EXT.R4(k):- COPY OF THE POLICE RECORDS SUBMITTED BY POLICE OFFICER BEFORE THE JUDL.MAGISTRATE OF IST CLASS, PARAPPANANGADI ON 29.3.99.

EXT.R4(l):- COPY OF THE IST INFORMATION REPORT IN CRIME NO.347/99 DT.19.8.99 OF THE JUDL. MAGISTRATE OF IST CLASS, PARAPPANANGADI.

EXT.R4(m):- COPY OF THE MINUTES BOOK DT. 17.6.07 SIGNED BY 315 MEMBERS.

EXT.R4(n):- COPY OF THE NEWS ITEM APPEARED IN MADHYAMAM DAILY DT 21.6.07.

/TRUE COPY/

P.A. TO JUDGE

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P.R. RAMAN & K. HEMA, JJ.

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DATED THIS, THE 31ST DAY OF JULY, 2007.

O R D E R

Raman, J.

When the judgment in the writ petition was dictated on 25.7.2007, we noticed that the respondents, though were served with notice, did not appear in Court. On the same day After Noon, learned counsel appearing for Respondents 4 to 6 brought to our notice that there is some confusion in the cause list published for the day and he was under the impression that the petition list will be taken up only in the After Noon and pleaded that he may be given an opportunity to argue the matter. Accordingly, the matter was posted for 'to be spoken to'.

2. We heard both sides. Respondents have already filed counter affidavit and additional counter affidavit. While the petitioner would assert that he is the Secretary of the Jama Ath as recognized by the Wakf Board, the respondent, on the other hand, would submit that in spite of the request made signed by more than 25 persons, the Secretary did not convene the meeting and so, the Acting President directed the Joint Secretary to convene a meeting and a meeting was convened after due publication and now a duly elected committee is in Office. In this regard, it is contended by the

learned counsel for the petitioner that an original petition filed before the Wakf Tribunal seeking for a direction to conduct the election was dismissed against which C.R.P. 334/2007 is pending before this Court and without seeking any order from this Court, the election conducted cannot be recognized as valid in law. The learned counsel appearing on behalf of the Wakf Board submits that as per the record, petitioner is the Secretary of the Jama Ath Palli Paripalana Committee. It is also admitted by the learned counsel appearing for the party respondents that though an election was conducted, the Wakf was not informed of the same.

In these circumstances, an amicable solution is to conduct a fresh election, to which course all the parties agreed. However, since the civil revision petition is pending before this court, it would be appropriate that this writ petition be posted to be heard along with the same on next Monday, ie. on 6.8.2007. In the mean time, the interim order passed by this Court directing the police officials to maintain law and order, will continue.

P.R. RAMAN,
(JUDGE)

K. HEMA,
(JUDGE)

knc/-